GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:3241
ANSWERED ON:23.03.2005
POWER TO INSPECT HOMEOPATHIC MEDICAL COLLEGES
Pandey Dr. Laxminarayan

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Homeopathic Central Council Act,1973 gives powers to the Central Government to inspect Homeopathic Medical Colleges ;

(b) if so, whether only the Central Council of Homeopathy has the legal right to inspect Homeopathic Colleges and Hospitals ;

(c) if so, whether the Department of AYUSH of the Ministry inspected a number of old and new colleges of Homoeopathy and allowed the opening of two new Homeopathic Colleges at Rohtak and Sriganganagar;

(d) if so, the details thereof;

(e) whether the inspection was conducted without any legal authority;

(f) if so, the reasons therefor; and

(g) the action against those found guilty?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH & FAMILY WELFARE (SMT. PANABAKA LAKSHMI)

(a) to (g) In order to improve the standards of Homoeopathy education and arrest the mushroom growth of substandard Homoeopathy medical colleges in the country, the Homoeopathy Central Council Act, 1973 was amended in the year 2002. The amended law which came into force on 28.1.2003, provide for prior permission of the Central Government for opening of a new Homoeopathy medical college.

As per provisions under Section 12A of the Act, every person or medical institution is to submit a scheme to the Central Government for the purpose of obtaining permission and the Central Government has to refer the scheme to the Central Council for its recommendations. On receipt of the scheme from the Central Government, the Central Council may obtain such particulars as may be considered necessary by it from the person or the medical institution concerned. After considering the scheme, the Central Council is required to submit it to the Central Government together with its recommendations thereon. The Central Government may after considering the scheme and the recommendations of the Central Council, and after obtaining, wherever necessary, such other particulars as may be considered necessary by it from the person or the medical institution concerned, either approve or disapprove the scheme and any such approval is to be taken as a permission.

The schemes (applications) received by the Central Government for opening of new Homoeopathy colleges at Rohtak and Sri Ganganagar were forwarded to the Central Council of Homoeopathy for recommendations under Section 12A of the amended Act. As the Central Council did not taken action in terms of the legal provisions on the scheme (application) referred to them, the Central Government deputed experts for inspection of applicant institutions to satisfy itself. This was necessary as Section 12A (5) of the Act provides that `where` within a period of one year from the date of submission of the Scheme to the Central Government under sub-section (2), no order is communicated by the Central Government to the person or medical institution submitting the scheme, such scheme shall be deemed to have been approved by the Central Government in the form in which it was submitted and accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted`. The Act does not in any way preclude the Central Government from deputing, as required, experts for inspections.

As per provisions under the HCC (Amendment) Act, 2002, the Central Government is empowered to grant permission to those existing colleges whose permission had lapsed in 2003-2004. The legal provisions have been followed in letter on spirit.